

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ATS TREE SERVICES, LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION; LINA M. KHAN, in her official capacity as Chair of the Federal Trade Commission; and REBECCA KELLY SLAUGHTER, ALVARO BEDOYA; ANDREW N. FERGUSON, and MELISSA HOLYOAK, in their official capacities as Commissioners of the FTC,

Defendants.

Case No. 2:24-cv-01743-KBH

MOTION TO SUPPLEMENT THE RECORD

Plaintiff ATS Tree Services, LLC (“ATS”) respectfully moves to supplement the record for its Motion for Stay of Effective Date and Preliminary Injunction (Doc. 10) (the “Motion”). On July 10, 2024, the Court held a hearing at which counsel for ATS and Defendants presented argument on the Motion. During the argument, the Court raised additional evidentiary questions regarding one of the types of irreparable harm ATS would suffer if the Federal Trade Commission’s Non-Compete Clause Rule (the “Final Rule”) is not preliminarily enjoined. In order to address the Court’s questions, ATS requests that the record on the Motion be supplemented with the attached supplemental affidavit from Mr. David Servin, ATS’s Chief Financial Officer and part owner, Doc. 11-1 ¶ 2, further addressing ATS’s irreparable harm. In the alternative, ATS requests that the Court set an evidentiary hearing at which Mr. Servin be permitted to provide additional testimony regarding the irreparable harm ATS will suffer if the Final Rule goes into effect. ATS conferred with Defendants regarding this motion and they oppose it. Accompanying this motion is a supporting brief and the aforementioned supplemental declaration of Mr. Servin. Supplementing

the record through either Mr. Servin's supplemental declaration or testimony from Mr. Servin at an evidentiary hearing will assist the Court with efficiently resolving the Motion.

DATED: July 17, 2024.

Respectfully submitted,

s/ Joshua M. Robbins

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Attorneys for Plaintiff

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I electronically filed the foregoing with the Clerk of the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system, which sent notifications of such filing to all registered CM/ECF users.

DATED: July 17, 2024.

/s/ Joshua M. Robbins
JOSHUA M. ROBBINS